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May 7, 2025

By ECF

Honorable Lee G. Dunst
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Massapequa UFSD v. New York State Board of Regents*
Docket No. 23-CV-07052 (MKB) (LGD)
File No. 230195

Your Honor:

We represent plaintiffs Massapequa Union Free School District (“District”), its Board of Education (“BOE”), and Jeanine Caramore. We write to respectfully request a second extension of time for plaintiff Caramore to file an amended complaint pending a determination by the Court on the District and BOE’s anticipated motion for leave to amend the complaint. This is the plaintiff Caramore’s second request for an extension. Defense counsel does not consent to an extension of time.

The District and BOE are considering and preparing a motion for leave to amend the complaint to assert new claims, *inter alia*, premised on violations of 42 U.S.C. § 1981, Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*, 42 U.S.C. § 2000e, *et seq.* We anticipate these new claims will satisfy the standing and capacity concerns raised by the district court in its March 27, 2025 Memorandum & Order.

Although the Court previously dismissed the claims asserted by the District and BOE in the original complaint, it has not entered judgment. Fed. R. Civ. P. 15(a)(2) favors granting plaintiffs leave to amend following the determination of a motion to dismiss when justice so requires. *See Laurel Shipping LLC v. Ridgebury Kilo LLC*, 560 F. Supp. 3d 802, 809 (S.D.N.Y. 2021) (“Ordinarily, a plaintiff should be granted leave to amend at least once after having the benefit of a court’s reasoning in dismissing the complaint.”) (citing *Obra Pia Ltd. v. Seagrape Invs. LLC*, No. 19-CV-7840 (RA), 2021 WL 1978545, at *6 (S.D.N.Y. May 18, 2021)); *see also Attestor Value Master Fund v. Republic of Argentina*, 940 F.3d 825, 833 (2d Cir. 2019) (“We have been particularly skeptical of denials of requests to amend when a plaintiff did not previously have a district court’s ruling on a relevant issue...”).

We request this extension for the sake of expediency. Since the District and BOE will be

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seeking leave from Judge Bulsara to amend the complaint to assert new claims, it makes sense to stay Ms. Caramore's time to file the amended complaint until the determination on that motion so the plaintiffs may collectively file one "first amended complaint" on behalf of all plaintiffs. The District and BOE's motion—which we intend to file by **May 19, 2025**—will include a proposed pleading that will incorporate the new claims and factual allegations on behalf of all three plaintiffs.

Finally, this extension will give our new co-counsel, Oliver Roberts, time to get up to speed and provide his input on the matters referenced above.

Thank you for your consideration of this request.

Respectfully submitted,

SOKOLOFF STERN LLP

A handwritten signature in black ink, appearing to read "St C. St", written over the printed name of Steven C. Stern.

STEVEN C. STERN

HOLTZMAN VOGEN BARAN
TORCHINSKY & JOSEFIK PLLC

/s/ OLIVER ROBERTS
OLIVER ROBERTS

cc: All counsel of record (via ECF)